



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/557,944	04/24/2000	Rich Erikson	3COM-2640	9062

7590 02/24/2004
Wagner Murabito & Hao LLP
Third Floor
Two North Market Street
San Jose, CA 95113

EXAMINER

TRIMMINGS, JOHN P

ART UNIT	PAPER NUMBER
----------	--------------

2133

DATE MAILED: 02/24/2004

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/557,944

Applicant(s)

EREKSON ET AL.

Examiner

John P Trimmings

Art Unit

2133

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7,9-17,19,21-27,29,31 and 32 is/are rejected.
- 7) ☒ Claim(s) 8, 20, and 28 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Response to Amendment

This office action is in response to applicant's amendment, filed on January 27, 2004.

1. The examiner acknowledges the amendments to Claims 1, 3, 6 -12, 14, 17, and 19 – 21.

Response Re: 35 USC § 102

1. In response to Claims 1-3, 6, 11-14, 17, 21-23, 26 and 32, the applicant argues that the present invention as recited in the above claims is not shown or suggested by the Bluetooth specification. In view of the amendments to Claims 1, 12, and 21, the examiner agrees that the Bluetooth specification does not teach or suggest the determination of packet transfer integrity by using a 1st and 2nd number. Therefore, the examiner has withdrawn the rejection of Claims 1, 12, and 21, and by virtue of dependency to these 3 independent claims, the examiner's rejection of Claims 2, 3, 6, 11, 13, 14, 17, 22, 23, 26 and 32 are also withdrawn. However, based on the amendments to the independent claims, the examiner has reconsidered the available art, and has included these claims in a following 35 USC 103(a) action herewith.

Claim Rejections - 35 USC § 103

2. Claims 1, 12, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Specification of the Bluetooth System", Version 1.0B, 12/1/1999, compiled by Dan Sonnerstam, and in view of Detlef et al., U.S. Patent No. 6243568.

Sonnerstam teaches the following method that is claimed and specified by the applicant; the steps of transmitting or receiving data packets over a wireless channel, and indicating whether the packet was accepted or not, and receiving re-transmitted data if not accepted based on acknowledge signals (see page 70 of 1082, paragraph 5.3.2, and Figure 5.3). And, the specification, on page 691 of 1082 paragraph 4.9.3, specifies that a measure of link quality shall be available for access by a user, the value of link quality to be represented by a number sufficient for determining the numbers required by the applicant's claim. However the reference does not teach determining a 1st number of packets received, and a 2nd number of packets re-transmitted, and basing packet transfer integrity on the 1st and 2nd numbers. In an analogous art, Detlef et al. teaches a system for indicating the signal quality of received messages (column 4 lines 7-16), the said system basing signal quality (Detlef et al. column 3 lines 38-40) on a 1st count of "block decoder status", which is a representation of all received good signals (type ACK signal in Sonnerstam), and a 2nd count of "path metric data", which is a measurement of lost and corrected information (Detlef et al. column 3 lines 43-50 and type NAK signal in Sonnerstam). The 2nd count of Detlef et al. would represent the 2nd count of the applicant – all re-transmitted data. The 1st count of Detlef et al., represents only good messages received, but the examiner recognizes that the good messages (Detlef et al., 1st) plus the re-transmitted data (Detlef et al., 2nd) represents all packets

received (subject claim 1st number), and so Detlef et al. has provided the examiner with all of the data claimed by the applicant in the subject claims. And, Detlef et al. cites in column 2 lines 62-67 the advantage of a real-time feedback to the user of signal quality, which is the motivation for one with ordinary skill in the art at the time of the invention to combine the two references. And so the claims are rejected.

3. Claims 2, 3, 6, 11, 13, 14, 17, 22, 23, 26 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Specification of the Bluetooth System", Version 1.0B, 12/1/1999, compiled by Dan Sonnerstam, and in view of Detlef et al., U.S. Patent No. 6243568. These claims are all dependent on the above independent Claims 1, 12, and 21. Thus, the applicant has previously argued for their transversal based on their dependencies. However, the examiner stipulates that the arguments for these claims have not changed from their original state in the examiner's 1st office action, and so based on the new references and motivation for Claims 1, 12, and 21 above, the claims stand as being rejected.

Response Re: 35 USC § 103

4. In response to Claims 4, 5, 7, 15, 16, 19, 24, 25 and 27, the applicant argues that the claims, dependent on Claims 1, 12, and 21, are to be transversed because of their dependence on the base claims. But the examiner has previously upheld the base claims as being rejected in the above paragraph 2, and so these claims stand as being rejected.

5. In response to Claims 9 and 29, the applicant argues that the claims, dependent on Claims 1 and 21, are to be transversed because of their dependence on the base claims. But the examiner has previously upheld the base claims as being rejected in the above paragraph 2, and so these claims stand as being rejected.

6. In response to Claims 10 and 31, the applicant argues that the claims, dependent on Claims 1 and 21, are to be transversed because of their dependence on the base claims. But the examiner has previously upheld the base claims as being rejected in the above paragraph 2, and so these claims stand as being rejected.

Claim Objections

7. Claims 8, 20, and 28 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The following is an examiner's statement of reasons for allowance: the claims specify counting of data packets having the same sequence number to determine the number of packets successfully and unsuccessfully received. The prior arts of record fail to teach, singly or in combination, utilization of sequence numbers for the aforementioned purpose. The examiner agrees with the applicant with regard to this feature in view of the arts of record, therefore the examiner favors the allowance of Claims 8, 20, and 28 based upon resolution of the base claims as being rejected.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Remarks

It is therefore reiterated here that claims 1-7, 9-17, 19, 21-27, and 29, and 31-32 are maintained as being rejected in this examiner's office action, Claims 18 and 30 are cancelled, and Claims 8, 20, and 28 are objected to based on dependencies on rejected claims.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John P Trimmings whose telephone number is 703-305-0714. The examiner can normally be reached on weekdays, 7:30 AM to 4:00 PM.

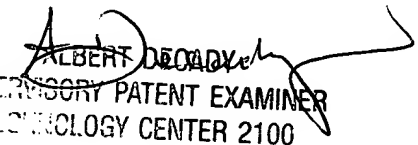
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert DeCady can be reached on 703-305-9595. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-2394.



John P Trimmings
Examiner
Art Unit 2133

jpt



ALBERT DECADY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100